

REMARKS/ARGUMENTS

The amended listing of claims and the following arguments are presented generally to impart precision to the claims, by particularly pointing out and distinctly claiming the subject matter. The pending claims are supported by the specification. No new matter is added.

Applicant respectfully submits that the currently pending claims are patentable over the cited references.

35 U.S.C. §112 Rejections

The present amendment corrects a typographical error in claim 12. The correction overcomes the rejection under 35 U.S.C. §112, as indicated in the Office Action.

Double Patenting Rejections

Claims 1, 3-6, 9, 11, 13-16, 19 and 21-26 were rejected under the statutory type double patenting over claims 1-15 and 18-24 of U.S. Patent No. 6,636,590. Applicant respectfully disagrees.

As pointed out in the Office Action, the term “same invention,” in this context, means an invention drawn to identical subject matter. Applicant respectfully submits that the pending claims are not *identical* to 1-15 and 18-24 of U.S. Patent No. 6,636,590.

Thus, the withdrawal of the statutory type double patenting rejections is respectfully requested.

35 U.S.C. §102(e) Rejections

Claims 1, 3, 8, 11, 13, 19, 21-24 and 26 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2002/0003867 (hereinafter “Rothschild”). Without admitting that Rothschild is a prior art reference, Applicant

respectfully submits that pending claims are patentable over the cited references, since the cited references do not show each and every aspect of the pending claims.

For example, claim 1 recites:

1. (Currently Amended) A method comprising:
receiving one or more search criteria in an audio form, via an audio-transmission medium, from a user, the one or more search criteria including a field of service desired by the user;
searching a service provider database according to the one or more search criteria to generate a list of one or more service providers;
presenting the list of one or more service providers in an audio form to the user;
determining a selection of the user for a selected service provider from the list of one or more service providers; and
connecting the user with the selected service provider for a live conversation via the audio transmission medium.

Applicant respectfully submits that the method of Rothschild is very different from what is claimed in claim 1 of the present application.

The central server of Rothschild has a menu tree (see, e.g., block “menu tree” located between blocks “voice recognition software” and “phone number database” of Fig. 2; the tree of blocks between blocks “voice recognition software” and “phone number database” of Fig. 1; etc.) According to Rothschild, the user selects the menu options through the voice recognition system to go through the menu tree and finally reach the list located at the bottom of the menu tree.

However, claim 1 recites: “searching a service provider database according to the one or more search criteria to generate a list of one or more service providers”.

Further, for example, claim 8 recites:

8. (Currently Amended) The method of claim 1, further comprising:
providing the user with an audio list of a wide array of fields of service
available from the audio portal service provider system; and
providing the user with a unique audio field of service code
corresponding to each field of service within the audio list of
fields of service, wherein an keypad entry of a field of service
code is received via the audio transmission medium to select a
desired field of service for the one or more search criteria;
wherein at least one of the one or more search criteria is not a selection
from an option list.

Further, for example, claim 3 recites:

3. (Currently Amended) The method of claim 1, further comprising:
receiving a request from a service provider of a field of service for
inclusion in the service provider database; and
when the service provider is approved for inclusion in the service
provider database, generating a record in the service provider
database, the record including provider information contained
in the request, wherein the provider information includes one
or more of specific expertise of the service provider, and one or
more languages spoken by the service provider.

Applicant respectfully submits that Rothschild (paragraphs 14-23, 39 and 40) does not show “a request *from a service provider*”. Further, Rothschild does not show that the provider information, contained in the request from a service provider, includes one or more of:

specific expertise of the service provider; and
one or more languages spoken by the service provider.

For similar reasons discussed above, Applicant respectfully submits that claims 11, 13 and 21-24 and 26 are patentable over Rothschild.

35 U.S.C. §103(a) Rejections

The rejections under 35 U.S.C. §103(a) were based on the rejections under 35 U.S.C. §103(e) for the independent claims. Additional references were cited for the additional limitations recited in the dependent claims. Thus, at least for the above reasons discussed for the independent claims (e.g., claims 1, 11 and 21), the claims rejected under 35 U.S.C. §103(a) are patentable over the cited references.

Further, claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Rothschild in view of U.S. Patent No. 6,658,389 (hereinafter “Alpdemir”). Applicant respectfully disagrees.

According to Alpdemir,

“a consumer user having been referred to a restaurant using inventive system can later call in using a toll-free or free local phone number and provide feedback, such as in the form of a rating, relative to their experience.”
(Col. 11, lines 64-67, Alpdemir).

From this description of Alpdemir, one understands that the consumer user of Alpdemir calls in separately to provide feedback. However, claim 9 recites:

9. (Original) The method of claim 1, wherein following the connecting the user with the selected service provider, the method further comprises:

once the live conversation between the user and the selected service provider is complete, prompting the user for a quality of service rating for services rendered by the service provider; and recording the service rating provided by the user in the service provider database.

Alpdemir and Rothschild have no indication of “*once* the live conversation between the user and the selected service provider *is complete, prompting* the user for a quality of service rating for services rendered by the service provider”. Thus, even if Alpdemir and Rothschild were combined, the resulting system would be different from what is claimed in claim 9. Thus, without admitting that Rothschild and Alpdemir are prior art references, Applicant respectfully submits that claim 9 is patentable over Rothschild and Alpdemir.

CONCLUSION

Applicant respectfully submits that the pending claims are patentable over the cited references. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, Applicant hereby requests such extension.

Respectfully submitted,

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Date: 4/19, 2005


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